

The opinion in support of the decision being
entered today is not binding precedent of the Board

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

THOMAS A. MILLER
and DARREL C. PINKSTON,

Junior Party
(Patent 5,865,232¹),

v.

ROBERT D. BRAND,

Senior Party
(Application 09/377,120²).

Patent Interference No. 105,215

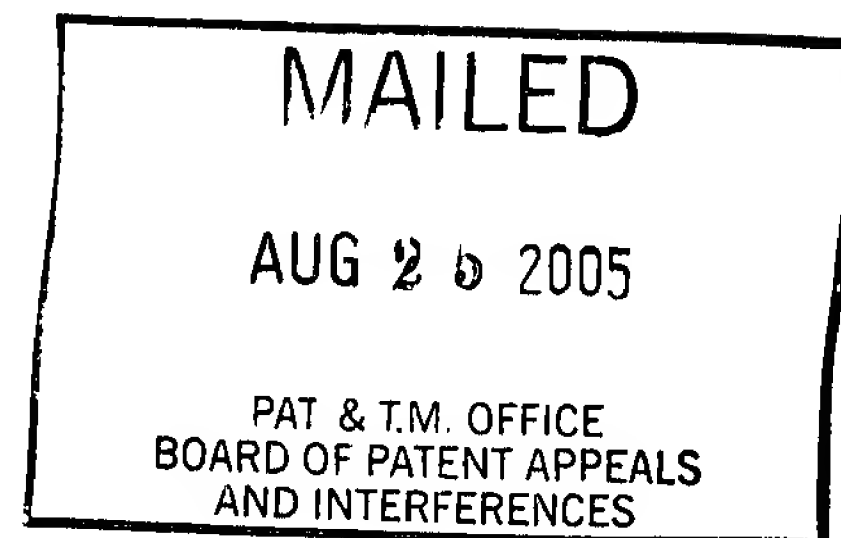
JUDGMENT – MERITS – Bd. R. 127

Before MARTIN, LEE, and MOORE, Administrative Patent Judges.

MARTIN, Administrative Patent Judge.

¹ Real party in interest: Miller Veneers (formerly Curry-Miller Veneers).

² Real party in interest: Indiana Forge, LLC, assignee from Capital Machine Co., Inc.



Pursuant to the "DECISION – PRIORITY – Bd. R. 125(a)" issued herewith, it is hereby ORDERED that judgment on the issue of priority with respect to Count 1, the sole count, is entered in favor of the Junior Party, THOMAS A. MILLER and DARREL C. PINKSTON, and against the Senior Party, ROBERT D. BRAND, on the ground that the Senior Party derived the subject matter of the count from the Junior Party.

Accordingly, it is FURTHER ORDERED that THOMAS A. MILLER and DARREL C. PINKSTON are entitled to retain Claim 1 of their involved patent, their only claim which is designated as corresponding to the count, and that ROBERT D. BRAND is not entitled to a patent containing Claim 38 of his involved application, his only claim which is designated as corresponding to the count.

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| |) | |
| <u>/ss/ John C. Martin</u> |) | |
| JOHN C. MARTIN |) | |
| Administrative Patent Judge |) | |
| |) | |
| |) | |
| <u>/ss/ Jameson Lee</u> |) | |
| JAMESON LEE |) | BOARD OF PATENT |
| Administrative Patent Judge |) | APPEALS AND |
| |) | INTERFERENCES |
| |) | |
| <u>/ss/ James T. Moore</u> |) | |
| JAMES T. MOORE |) | |
| Administrative Patent Judge |) | |
| |) | |

JCM/jcm

Interference No. 105,215

cc (via Federal Express):

Attorney for Party Miller et al.:

Clifford W. Browning, Esq.
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

Attorney for Party Brand:

Raymond W. Green, Esq.
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, Illinois 60610